

Effective 5/12/2015

57-21-12 Other rights of action.

- (1) In addition to the procedure outlined in Subsection 57-21-9(1), a person aggrieved by a discriminatory housing practice may commence a private civil action in a court of competent jurisdiction within two years after an alleged discriminatory housing practice occurred, within two years after the termination of an alleged discriminatory housing practice, or within two years after a breach of a conciliation agreement. The division shall inform the aggrieved person in writing about this option within 30 days after the aggrieved person files a complaint under Section 57-21-9.
- (2)
 - (a) Except as provided in Subsection (2)(b), the computation of this two-year time period does not include any time during which an administrative proceeding under this chapter was pending with respect to a complaint filed under this chapter.
 - (b) The tolling of the two-year time period does not apply to actions arising from a breach of a conciliation agreement.
- (3) An aggrieved person may commence a private civil action even though a complaint has been filed with the division, in which case the division is barred from continuing or commencing any adjudicative proceeding in connection with the same claims under this chapter after:
 - (a) the beginning of a civil action brought by a complainant or aggrieved person; or
 - (b) the parties have reached an agreement in settlement of claims arising from the complaint.
- (4) An aggrieved person may not file a private civil action under this section if:
 - (a) the division has obtained a conciliation agreement, except for the purpose of enforcing the terms of the conciliation agreement; or
 - (b) a formal adjudicative hearing has been commenced under Section 57-21-10 regarding the same complaint.
- (5) Upon written application by a person alleging a discriminatory housing practice prohibited under this chapter in a private civil action, or by a person against whom the violations are alleged, the court may:
 - (a) appoint an attorney for the applicant; and
 - (b) authorize the commencement or continuation of a private civil action without the payment of fees, costs, or security if, in the opinion of the court, the applicant is financially unable to bear the costs of the civil action.
- (6) Upon timely application, the division may intervene in a private civil action brought under this subsection if the division certifies that the case is of general importance.
- (7) In a private civil action, if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may:
 - (a) order the respondent to cease any discriminatory housing practice;
 - (b) award to the plaintiff actual damages, punitive damages, and reasonable attorney fees and costs; and
 - (c) grant, as the court considers appropriate, any permanent or temporary injunction, temporary restraining order, or other order as may be appropriate, including civil penalties under Section 57-21-11.
- (8) This chapter does not preclude any private right of action by an aggrieved person based on otherwise applicable law not included in this chapter.

Amended by Chapter 13, 2015 General Session